



Disciplinary Alternative Education Programs:

What Is and What Should Be

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Introduction to DAEPs

What Are DAEPs?

Disciplinary Alternative Education Programs (DAEPs) are alternative educational environments for students who commit virtually any disciplinary violation or certain criminal offenses specified in Chapter 37 of the Texas Education Code. The 74th Legislature passed the *Safe Schools Act* in 1995, requiring school districts to establish DAEPs.

Some DAEPs are housed on regular school campuses while others are self-contained. Many DAEPs have metal detectors, subject students to searches, ban students from bringing in any items except lunches and jackets, and prohibit students from leaving with books and assignments.

How Many Students Are in DAEPs?

In 2003-04, some 103,696 individual students were assigned to DAEPs. Because individual students may be reassigned to DAEPs during the same year, there were 138,701 DAEP placements in 2002-03.¹ Both numbers represent increases of more than 10 percent since 2000-01.

How Are Students Placed in DAEPs?

DAEP placements can be either mandatory or discretionary. Mandatory placements occur when a student commits a crime on campus or commits homicide, kidnapping, illegal trafficking of persons, a sexual offense, or an assault off-campus. There are two types of discretionary placement. First, a school district may place a student in a DAEP if they have a reasonable belief that the student committed a crime off-campus other than those subject to mandatory placement. Second, districts may place students in DAEPs for any violation of their student code of conduct.

Discretionary DAEP placements have sharply risen to account for 77 percent of DAEP students.² Since districts set their own codes of conduct, they have virtually unlim-

ited discretion to refer students to DAEPs for even a single disciplinary infraction of any kind.

How Do JJAEPs Relate to DAEPs?

Juvenile Justice Alternative Education Programs (JJAEPs) are boot camps operated by county juvenile boards and overseen by the Texas Juvenile Probation Commission. Generally, JJAEPs are for expelled students while DAEPs are for students whom districts either cannot expel or choose not to expel under Section 37.007 of the Education Code. Most students who have committed crimes on campus are eligible for mandatory or discretionary expulsion. However, students who commit even violent crimes off-campus cannot be expelled to JJAEPs so they are instead sent to DAEPs.

What Are the State Requirements for DAEPs?

State requirements for DAEPs are almost nonexistent. Under Education Code Section 37.008, the state requires only that DAEPs:

- focus on English language arts, mathematics, science, history, and self-discipline,
- provide for students' educational and behavioral needs, and
- provide supervision and counseling.

None of the terms above are further defined by statute or TEA rules. For the first time, DAEPs will be required in the 2005-06 school year to have certified teachers.

Do DAEPs Work?

To the extent DAEPs remove disruptive students from regular classrooms, they may produce benefits for the remaining students, but this can also be accomplished in some cases through time-out, seclusion, and special education classes and non-disciplinary alternative schools for students with learning disabilities, who account for a quarter of DAEP placements.

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While selection bias is inevitable in comparing the academic performance of DAEP students to their counterparts because students with disciplinary problems are more likely to struggle academically, we do know that DAEP students perform at far lower levels. The Texas Education Agency (TEA) reports that DAEP students have a drop-out rate that is “over twice the rate for students statewide.”³ DAEP students also score substantially lower on the Texas Assessment of Knowledge and Skills (TAKS) test than students statewide. For example, while 76 percent of statewide students passed the math portion of the TAKS test, only 41 percent of DAEP students passed.⁴

A DAEP student who engages in serious or persistent misbehavior may be expelled to a JJAEP (or to the street in counties without JJAEPs) under Section 37.007 of the Education Code, but no data is available on the percentage of DAEP students who ultimately end up in JJAEPs, juvenile detention centers, or adult prisons.

Recommended Policy Changes

Create Meaningful State Standards for DAEPs

- Set minimum hours of instruction and require grade-appropriate instruction in all TAKS subjects. Some DAEPs currently offer as little as two hours per day of instruction. A report on DAEPs noted, “In elementary grades, for instance, there may be one DAEP classroom that serves students in all elementary grade levels.”⁵

Reduce Discretionary DAEP Placements

- Require that school districts document at least three separate disciplinary violations prior to discretionary referral for conduct that does not involve a crime under state or local law, violence, or the threat of violence.
- Increase effectiveness of in-school discipline through use of positive behavioral supports, progressive sanctions, required restitution for property offenses, and in-service training for teachers in classroom management and identifying disabilities such as ADD.

Place Students Who Commit Violent Off-Campus Crimes in JJAEPs, Not DAEPs

- Amend Chapter 37 of the Education Code to permit the referral of students who commit violent off-campus crimes to JJAEPs to avoid co-mingling with mostly non-violent DAEP students.

Require State Accountability for DAEPs

- Require that DAEP students’ TAKS scores be assigned to the DAEP and develop separate accountability criteria for rating DAEPs. TAKS scores of DAEP students are currently assigned only to the district as a whole.
- Require that the TEA incorporate DAEP students’ TAKS scores in the accountability ratings of the referring school. This will remove referring schools’ incentive to improve their accountability ratings by referring kids at risk of failing the TAKS to DAEPs and encourage them to monitor their DAEP students to ensure they are receiving and performing assignments from their teachers at the referring school.

Conclusion

Texas has improved K-12 education over the past 15 years due in large part to the creation and continual strengthening of the state accountability program. Unfortunately, DAEPs have become the expanding black hole of this system. DAEPs have a valid purpose in ensuring that the education of the many is not unduly impeded by the misbehavior of a few that is so severe that it cannot be dealt with in the same school. However, we must eliminate unnecessary DAEP referrals, shine the lens of accountability on DAEPs that are now almost entirely obscured from state oversight, and develop best practices for DAEPs that produce verifiable results in academic performance and behavior modification.

¹Texas Education Agency, “2005 Comprehensive Annual Report on Texas Public Schools,” http://www.tea.state.tx.us/research/pdfs/2005_comp_annual.pdf.

²Interview with Richard LaVallo and Kay Lambert of Advocacy, Inc.

³See supra 1.

⁴See supra 1.

⁵“A Guide to Successful Practices: What Works for Disciplinary Alternative Education Program?” Academic Information Management, Inc., <http://www.aimdata.com/aimdaep.htm>.

